

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT)	
OF THE COST SUPPORT MATERIAL FILED)	
WITH THE CONTRACT ARRANGEMENT FOR)	CASE NO. 96-264
ADVANTIS FILED WITH THE COMMISSION)	
ON JUNE 6, 1996)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed June 7, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with the special service arrangement contract with ADVANTIS for provision of Four-Wire AccuPulse® Service on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth has contracted with ADVANTIS to provide Four-Wire Accupulse® Service. Accupulse® Service is currently tariffed, but is only available on a two-wire facility. In support of its application for approval of the contract, BellSouth has provided cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate business need to know and act upon the information. BellSouth seeks to preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

AccuPulse® Service is an alternative to dedicated private line networks and utilizes the exchange switching network. BellSouth's competitors for private line networks are providers of microwave service, digital radio and fiber networks. Disclosure of the cost information would enable such competitors to determine BellSouth's cost and contribution from the service which they could use to devise strategies to market their competitive services to the detriment of BellSouth, therefore disclosure of the information is likely to cause BellSouth competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost information filed in support of a proposed contract with ADVANTIS, for provision of Four-Wire AccuPulse® Service, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be opened for public inspection.

Done at Frankfort, Kentucky, this 27th day of June, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt
Chairman

E. J. Kozlowski
Vice Chairman

Robert M. Davis
Commissioner

ATTEST:

Don Mills
Executive Director